

AN ORDINANCE AMENDING ORDINANCE NO. 5 ADOPTED DECEMBER 19, 1974.

THE CITY OF LAKESIDE ORDAINS AS FOLLOWS:

Section 1.

Ordinance No. 5 of the City of Lakeside, Oregon, enacted December 19, 1974, is hereby amended by adding thereto the following paragraph:

INSPECTION OF RECORDS: The City by its Council or by such officers or representatives that the City Council may designate, shall at all times (whether or not in connection with any pending or proposed hearing) have access to the books, records, papers, files and property of every nature, character and description of the Grantee pertaining to the business conducted by the Grantee in the City of Lakeside, Oregon.

Section 2.

Ordinance No. 5 of the City of Lakeside, Oregon, enacted December 19, 1974, is hereby amended by deleting and omitting therefrom the following paragraph (which appears on page 1 of said Ordinance No. 5):

FRANCHISE FEE AND TAX: The City has levied and imposed by separate ordinance a fee and tax for Grantee's right, privilege and franchise to use streets, alleys and public easements within the City for the uses and purposes provided in this franchise ordinance.

In lieu of said paragraph, Ordinance No. 5 is further amended in that part to read as follows:

FRANCHISE FEE: In consideration of the rights, privileges and franchise hereby granted, said Grantee, its successors and assigns shall pay to the City of Lakeside, from and after the date of the passage of this franchise, and until the expiration or termination, three percent (3%) per annum of the gross local service rates and toll receipts derived from the operation of said television signal distribution and antennae system. Payment of said three percent (3%) shall be made on or before the 16th day of each and every month for the month preceding. No expenditures, however, of any kind shall be deducted from the gross receipt income in determining gross receipts. The City of Lakeside will not, during the term of this franchise, require the Grantee to make any further payment to the City for any license, privilege or occupation tax or fee.

The foregoing Ordinance was duly passed by the Council

of the City of Lakeside this 21st day of January, 1975.

APPROVED:

J. Robert Friend

J. Robert Friend,

Mayor

ATTEST:

S. E. Herman
S. E. Herman, Recorder

The franchise set forth in said Ordinance No. 5, as amended by the foregoing Ordinance, is hereby accepted by the Grantee.

CABLE TV CORPORATION

By [Signature]

Its V.P. - [Signature]

ACCEPTANCE OF ORDINANCE

The Central Lincoln People's Utility District, a municipal corporation, owning and operating an electric system in the City of Lakeside, Oregon, accepts the Franchise terms and conditions as set forth in Ordinance No. 9, adopted the 21st day of January, 1975, by the Common Council of the City of Lakeside, Oregon, entitled:

ORDINANCE NO. 9

AN ORDINANCE GRANTING THE CENTRAL LINCOLN PEOPLE'S UTILITY DISTRICT, A MUNICIPAL CORPORATION, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE TO OPERATE AND A PERMIT TO CONSTRUCT, OPERATE AND MAINTAIN BOTH OVERHEAD POLE LINES AND UNDERGROUND POWER LINES ALONG THE STREETS AND OTHER PUBLIC WAYS IN THE CITY OF LAKESIDE, COOS COUNTY, OREGON; SETTING THE PRICE OF SUCH FRANCHISE, AND DECLARING AN EMERGENCY.

Accepted this 24th day of January, 1975.

Millard F. Martin
Vice President

A. E. Ellingson
Secretary

replacing the same. It shall further be lawful for the Central Lincoln People's Utility District, its successors and assigns, to make all needful excavations in any said above places for the purpose of installing any and all underground facilities the District may elect to use. Said work shall be done in compliance with the necessary rules, regulations, ordinances or orders which may, during the continuance of this franchise, be adopted from time to time by the City of Lakeside.

Section 3. Whenever the Central Lincoln People's Utility District, its successors and assigns, shall disturb any of the streets for the purpose aforesaid, it or they shall restore the same to good order and condition as soon as practicable without unnecessary delay, and, failing to do so, the City of Lakeside shall have the right to fix a reasonable time within which such repairs and restoration of streets shall be completed, and upon failure of such repairs being made by said District, its successors and assigns, the said City shall cause such repairs to be made at the expense of said Central Lincoln People's Utility District, its successors and assigns.

Section 4. That said District shall at its sole expense remove poles, conduits and other appurtenances and relocate same when requested in writing by the Common Council of the City of Lakeside so to do on account of changing traffic requirements, construction or relocation of roadways.

Section 5. That all construction and installations made by the District shall be in accordance with recognized standards and shall comply with all Federal and State safety requirements.

Section 6. That the District shall have the right to have telephone and telegraph lines and/or television distribution lines attached to its poles and

facilities, provided same meets with the approval of the telephone and telegraph company or companies, or the television company or companies (as the case might be) operating in the said City of Lakeside.

Section 7. City of Lakeside's police and/or fire department signal wires may be attached to the District's poles and fixtures to the extent that space is available for same as determined by the District. No such installation shall be made except on written request from the City, and any such installation or maintenance or repair of same shall be made by the District with the cost to be borne by the City.

Section 8. That all poles, wires and facilities erected or used by the District shall be erected or placed so as not to interfere with ordinary traffic through such streets and alleys and provided that whenever it shall be necessary for any person to move along or across any of said streets or alleys any vehicle or structure of such height or size as to interfere with any poles, wires or facilities so erected, the District shall, upon receiving seven (7) days' notice thereof, temporarily remove such poles, wires or facilities from such places as must necessarily be crossed by such vehicle or structure and in such event, the expenses of such removal and replacement shall be borne by the person requesting same. The City of Lakeside shall cooperate in moving the traveled portion of streets or roadways that are so located as to threaten damage to the District's poles or installations where such poles or installations are properly placed as regards property and street lines, and in accordance with any City Ordinances appertaining thereto.

Section 9. That said District shall indemnify and save harmless the City of Lakeside from all damages which may be awarded said City in favor of any

person or persons, firm or corporation, resulting from any act or thing done by said District by virtue of the authority and consent herein granted.

Section 10. In consideration of the rights, privileges, and franchise hereby granted, said grantee, Central Lincoln People's Utility District, its successors and assigns, shall annually during the term of said franchise pay to the City of Lakeside two percent (2%) of its gross revenue from electric service rendered within the corporate limits of the City of Lakeside during the preceding fiscal year, provided that such annual payment shall in any event not exceed the District's annual street lighting billings to the City of Lakeside during the current fiscal year in which such payment is made. Payments will be made monthly by the District's crediting its street lighting billings to the City of Lakeside with one-twelfth (1/12) of the annual amount due the City as determined from said gross revenue formula, and with the amount of the credit in any one month not to exceed the amount of the City's street lighting bill for that month. If, for any month during any fiscal year, the City forfeits a part or all of the credits due on its street lighting bill by reason of such bill being less than the amount as determined by the gross revenue formula, and later in the same fiscal year the City increases its street lighting bills by increased lighting, appropriate adjustment and credit shall be made by the District. This franchise shall be effective from the 1st day of the month in which this Ordinance is adopted and payments as herein provided shall commence in said month concurrent with the billing made by the District for street lighting in said month. Payments in the first and last years of the term of said franchise shall be prorated on the basis of the number of months of the fiscal year in which this said franchise is in effect. Payments as herein provided and as made by the District to the City of Lakeside, will be

accepted by the City of Lakeside from the District not only as payment for said franchise, but also in payment of any license, privilege or occupation tax imposed by the City of Lakeside upon the District during the term of this franchise. And, provided the District accepts this franchise and makes said payments, then the City of Lakeside will not, during the term of this franchise, require the District to make any further payment to the City of Lakeside for any license, privilege or occupation tax or fee.

Section 11. This franchise is granted with the understanding and on the condition that should the said Central Lincoln People's Utility District hereafter and while this said franchise is in full force and effect grant or give any city or municipal corporation served by said District, any consideration or pay in excess of that herein provided for, that the said City of Lakeside shall be entitled to similar consideration or pay and this franchise shall be amended to so provide.

Section 12. The Central Lincoln People's Utility District shall, within thirty (30) days from the date hereof, file in the office of the Recorder of the City of Lakeside, its written acceptance of the franchise, rights and privileges by this Ordinance granted, as well as the obligations herein imposed on said District, and the failure of said District to file such written acceptance in said period of time shall be held to be an abandonment and rejection of all franchise rights and privileges granted by this Ordinance, and this Ordinance shall thereupon be null and void.

Section 13. That neither the action of the Central Lincoln People's Utility District in requesting this Ordinance nor the action of the City of Lakeside in

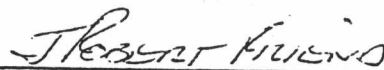
respect to this Ordinance shall be construed as having any bearing on the question as to whether or not the said Central Lincoln People's Utility District as a Municipal Corporation has an inherent right as such a corporation to the privileges herein granted by said City.

Section 14. Whereas the proper regulation of utilities operating within the City of Lakeside is essential to the public safety and to the health and welfare of the citizens of said City of Lakeside, an emergency is hereby declared to exist and this Ordinance shall take effect and be in full force and effect from and after its adoption by the Council and approval thereof by the Mayor.

Passed by the Common Council, this 21st day of January, 1975.


Ayes: 4 Nays: -0- Absent: 1

Approved by the Mayor of the City of Lakeside this 21st day of January, 1975



Mayor, J. Robert Friend

ATTEST:



City Recorder, S. E. Herman